

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD ALAN SISNEY,

Defendant.

Case No. 22-CR-190-JFH

OPINION AND ORDER

Before the Court is a motion for leave to dismiss without prejudice (“Motion”) filed by the United States of America (“Government”). Dkt. No. 41. The Government requests leave to dismiss counts three and four *only* of the indictment [Dkt. No. 19] without prejudice as to Defendant Richard Alan Sisney (“Defendant”). *Id.*

Under Fed. R. Crim. P. 48(a), “courts must grant prosecutors leave to dismiss charges unless dismissal is clearly contrary to manifest public interest.” *United States v. Robertson*, 45 F.3d 1423, 1437 n.14 (10th Cir. 1995) (quoting *Rinaldi v. United States*, 434 U.S. 22, 30 (1977)). For the reasons stated in the Motion, the Court concludes that dismissal of the two charges against Defendant is not contrary to the public interest, nor is it for an improper purpose. The Government’s motion to dismiss should be granted.

IT IS THEREFORE ORDERED that the Government’s motion for leave to dismiss without prejudice [Dkt. No. 41] is GRANTED and counts three and four of the indictment [Dkt. No. 19] are dismissed without prejudice as to Defendant Richard Alan Sisney.

IT IS FURTHER ORDERED that the original motion to dismiss at Dkt. No. 39 is DENIED AS MOOT.

Dated this 20th day of June 2023.

A handwritten signature in black ink, appearing to read "John F. Heil, III", written over a horizontal line.

JOHN F. HEIL, III
UNITED STATES DISTRICT JUDGE